

Notice of Allowability

Application No.

09/700,704

Examiner

Michael Kornakov

Applicant(s)

FUJISAWA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/22/03.
2. ☐ The allowed claim(s) is/are 1,3,4,7-11 and 19-27.
3. ☐ The drawings filed on 24 November 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <input type="checkbox"/> Notice of References Cited (PTO-892) | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. <u>5/24/02</u> | <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | <input type="checkbox"/> Other _____ |

EXAMINER'S COMMENTS/REASONS FOR ALLOWANCE

Examiner's Comment

1. Applicants requested in Paper filed 12/22/2003 " that the Examiner acknowledge that the references cited in the Information Disclosure Statement, filed in the above-identified application on May 24, 2002, have been considered". For Applicants' convenience Examiner resubmits the copy of the above IDS that was signed and initialized on 09/11/2002.
2. Applicants' amendment, filed 12/22/2003, has overcome all previous rejections and the rejections are therefore withdrawn.

Allowable Claims

3. Claims 1, 3, 4, 7-11 and 19-27 are allowable over the prior art of record.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance: The closest prior art of record is Han (U.S. 5,102,573).

Han discloses liquid, caustic-free, (alkali metal free) compositions that remove baked-on food residues from hard surfaces, which comprise: a) from about 1 to 40%, of a surfactant selected from the group consisting of anionic surfactants, nonionic surfactants and mixtures thereof; b) from about 1 to 10% of a builder selected from the

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group consisting of polyphosphates, pyrophosphates, citrates, carbonates, and mixtures thereof; c) from about 0.2% to 2% of an amine selected from the group consisting of monoethanolamine, diethanolamine, triethanolamine and mixtures thereof; d) **water**; e) from about **3 to 50%** of a solvent, which solvent is selected from the groups consisting of among others **diethylene glycol monobutyl ether, ethylene glycol monobutyl ether, and N-methyl 2-pyrrolidone** as well as of a number of other compounds listed in (i) and (iii) of the abstract.

However, Han fails to anticipate or suggest the composition that appears in the instantly amended claims 1 and 22, wherein the combined amount of **ethylene glycol monobutyl ether, and N-methyl 2-pyrrolidone** is 80-90% of total composition, and wherein the ratio of N-methyl 2-pyrrolidone to the total content of N-methyl 2-pyrrolidone and ethylene glycol monobutyl ether is within the instantly claimed specific range (0.75 to 0.95). The composition of Han is, therefore, about 50% water based composition, while the instant composition can have maximum 20% of water. As shown by Applicants' specification this specific ratio of water and other components, as well as the claimed ratio of N-methyl 2-pyrrolidone to the total of ethylene glycol monobutyl ether and N-methyl 2-pyrrolidone possess critical significance in the application of the claimed composition.

Claims 7-21 are directed to a method of using a composition recited in claim 1, thus providing for a method of using a patentable composition. In light of *In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995) and *In re Brouwer*, 77 F.3d 422, 37 USPQ2d 1663 (Fed. Cir. 1996), claims 7-21 are allowed over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kornakov whose telephone number is (571) 272-1303. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1700.

M. Kornakov

Michael Kornakov
Examiner
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January 20, 2004